

REMARKS and ARGUMENTS

The present application was filed on September 23, 2003 with claims 1 – 9. By this amendment, claims 2, 5, 8, and 9 have been amended, and claim 1 has been cancelled. Reconsideration is respectfully requested.

Claim Rejections - 35 USC § 102

Claims 1 - 9 were rejected under 35 U.S.C. §102(b) as being anticipated by *Kadowaki*, et al. '674. Claim 1 has been cancelled herewith, as mentioned above. Applicant respectfully traverses the rejection of claims 2 - 9, in view of *Kadowaki*, et al. '674.

Newly amended and independent claim 2 incorporates the subject matter of claim 1. Claim 2 sets forth a method of operation for an internal combustion engine, comprising, *inter alia*, receiving a series of crankshaft pulses, and a series of camshaft pulses; calculating a base offset cam phase using the crankshaft and camshaft pulses when the cam phaser is commanded to a reference position; calculating a current cam phase using the crankshaft and camshaft pulses when the phaser is commanded to a position other than the reference position; and, determining position of the phaser based on a deviation of the current cam phase from the base offset cam phase. This further includes storing the base offset cam phase at engine shut-down and calculating sample base offset values using the crankshaft and camshaft pulses during a period following engine re-starting. The sample base offset values are then averaged, and the stored base offset cam phase is compared to the averaged sample base offset values. The base offset cam phase is initialized based on the aforementioned comparison.

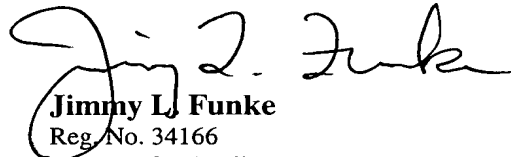
In contradistinction to the instant invention, *Kadowaki*, et al. '674 neither teaches nor suggests storing the base offset cam phase at engine shut-down, or calculating sample base offset values using the crankshaft and camshaft pulses during a period following engine re-starting. Furthermore, *Kadowaki*, et al. '674 does not teach or suggest averaging the sample base offset values. Therefore, applicant respectfully argues that newly amended claim 2 of the instant invention is patentably distinguishable from *Kadowaki*, et al. '674. Reconsideration is requested.

Claims 5, 8, and 9 have been amended to be dependent upon now allowable claim 2. Therefore, applicant respectfully asserts that claims 3 – 9 are allowable for the same reasons as set forth with respect to claim 2.

Conclusion

For all of the above reasons, claims 2 - 9 are patentably distinguishable over the prior art cited thereagainst. Reconsideration and allowance is respectfully requested. A Notice of Allowance is earnestly solicited. If the Examiner believes that a telephone interview would be beneficial, please contact the undersigned at the number listed. Please charge any necessary fees, including any extension of time, or any other fee deficiencies to Delphi Technologies, Inc., Deposit Account No. 50-0831.

Respectfully submitted,



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